DETAILED ACTION

Continued Examination

Applicant thanks the Examiner for his consideration in the request for continued examination filed on February 12, 2008. Applicant appreciates the entry of the request.

Specification

The Examiner states that the amendment filed on February 12, 2009 is objected to under 35 U.S.C. §132(a) because it introduces new matter into the disclosure. The new matter as explained by the Examiner is the material added to paragraph [0082]. Applicants disagree and will support the material added as needed.

Support for the amendment to paragraph [0082] is found throughout the specification. ***First, the only "new matter" is the word "subset."*** While the word "subset" is not used expressly in the disclosure, it is used inherently throughout the document and implied throughout. Moreover, it is expressly shown in FIG. 3. The remainder of paragraph [0082] is a restatement of portions of disclosure already resent within the disclosure. If the Examiner does not agree with this statement, the Applicant respectfully asks that the Examiner point to any other portion of paragraph [0082] that he believes is "new matter."

The first instance at paragraph [0027], states "Examples of endpoints 102 can, for example, also include software applications executing on desktop computers of session participants. These software applications can be configured to perform tasks such as capturing and rendering media, e.g., text messages or video. Another example of an endpoint 102 can be a telephone. Endpoints 102 can also be ***services required for operation of a collaboration session, such as a service configured to maintain presence state, locating endpoints, or mixing audio streams.***"(Emphasis added) Support for endpoints including a "subset of services" is also included in paragraphs [0032-0034] "As can be seen, however, one or more of domains 108 can also include ***a feature service*** 114 that can be configured to make ***certain features 116 available to endpoints 102, including, e.g., collaboration session features such as features 112. Thus, the features needed to engage in a collaboration session, e.g., a collaborative conference session, can be distributed throughout system 100.*** This can, for example, ***improve the performance of certain features by reducing the bandwidth demands on link 106 and***

eliminating latency and timing issues associated with link 106. [0033] Thus, in a collaborative communication system 100 configured in accordance with the systems and methods described herein, ***resources can be distributed based on the needs and preferences associated with various domains*** 108. The ***distributed resources can then be accessed by endpoints 102, as can the resources associated with a central domain, e.g., domain 108a, as required by a particular collaboration session.*** [0034] Before describing some exemplary implementations comprising distributed resources according to the systems and methods described herein, various example methods whereby endpoints 102 can communicate with each other via media switches 104 are described"

Finally, the most specific passage that details "endpoints including a 'subset of services'" is paragraph [0042] which states "[0042] In order to distribute resources, various considerations must be addressed to ensure access and coordination between endpoints, media switches, resources, and/or domains. In this regard, FIG. 4 is a diagram illustrating a domain 400 configured in accordance with the systems and methods described herein. Thus, domain 400 includes a media switch 404 configured to allow endpoints 402 to communicate with endpoint in other domains, or with each other, as described in relation to FIG. 2. Domain 400 also includes ***various core services 410, which allow endpoints 402 to engage in collaborative communication sessions with other endpoints.*** Domain 400 can also comprise a media switch service 406 configured to enable media switch 404 to act as an addressable endpoint. This can, for example, allow an administrator to access and administer media switch 404. In certain embodiments, ***core services 410 are the minimum set of services that must be located at a domain 400, and they collectively define the communication infrastructure used by a broader collaborative communication system, such as system 300 illustrated in FIG. 3. Other services, e.g., non-core services 408, attach to this infrastructure as addressable endpoints and, therefore, non-core services 408 can be accessed from any domain, as long as the endpoint address is known.*** Media switch 404 can be configured to shuttle messages between all endpoints 402 and other endpoints external to domain 400. *The term* ***endpoint can be used to refer to client applications, application level services, and system level services as well as to client device used to access media switch 404***. Media switch 402 can, in certain embodiments,

comprise essentially a software "message router", and can be configured to act much the same as a hardware router, except at a higher level. For example, a hardware router forwards, e.g., TCP/IP packets, possibly through several routers, to a destination Internet Protocol (IP) address, where the packets are re-assembled into messages. In a similar manner, endpoints 402 can be configured to break messages up into frames and send the frames to media switch 404. Media switch 404 can, in turn, be configured to forward the frames to a destination endpoint address, e.g., an address that acts in a similar manner as an email address, where they are re-assembled into messages. In the same way that TCP/IP packets can pass through several hardware routers on the way to their final destination, messages routed by media switch 404 can pass through several media switches between a source endpoint 402 and destination endpoint. As explained above, however, a message routed by media switch 404 should pass through at most 3 media switches. The ability for media switch 404 to connect to other media switches creates a media switch mesh that expands the reach of endpoint 402 communications. ***Any endpoint 402 that connects to the mesh can communicate with any other endpoint that is attached to some other media switch in the mesh***."

Paragraph [0086] states, in the pertinent part, "Accordingly, the system architecture associated with collaborative communication system 300, for example, can be highly configurable. System 300 can, for example, be configured to run all services and features in a single process or as a collection of distributed processes." The statement "to run all services and features in a single process or as a collection of distributed processes" is saying that the system can run all services and features in one process or a series of distributed subsets of processes. Moreover, the most compelling evidence of the fact that there is no "new matter" is the fact the claims state the following, in just one example:

87. (Currently Amended) A method of dynamically configuring and optimizing a multimedia conference session, said method comprising:

providing a plurality of services, including a presence service, an authentication service, a primary service, a feature service, and conference service, to be used in a multimedia conference session, wherein each of the plurality of services is hosted by and independently executable through at least one service endpoint in a communications network;

enabling a plurality of users to participate in the multimedia conference session, wherein each user participates in the conference session through at least one respective user endpoint in the communications network, wherein each of the at least one respective user endpoints is hosted by and independently executable through at least one service endpoint;

receiving a request to initiate the multimedia conference session;

in response to the session initiation request, establishing the multimedia conference session via the steps of:

(a) identifying respective user endpoints for each of the plurality of users participating in the session;

(b) identifying and verifying ***a subset of services*** selected from the plurality of the services for the conference session and respective service endpoints associated with each of the ***subset of services*** in the communications network; and

(c) defining a message routing mesh comprising all of the user endpoints and service endpoints identified in (a) and (b);

wherein resources for establishing the multimedia conference are distributed among the plurality of service endpoints, wherein the resources are a function of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry;

routing messages between any of the user and service endpoints in the message routing mesh during real-time performance of the conference session;

updating the multimedia conference session with a newly selected service from the plurality of the services; and

in response to the newly selected service, identifying a particular service endpoint associated with the newly selected service and including the particular service endpoint into the message routing mesh.

This limitation has been present in the claims since AT LEAST November 12, 2008. The Examiner has CLEARLY not considered the word "subset" new matter until almost two years later. Most likely much longer than that since the current claim were drafted using the language "subset." The services and features are provided in subsets through media switches to domains, as it states throughout the disclosure, to reduce incoming and outgoing bandwidth used for all media switches, distributes the load for all the media switches, eliminates latency and timing tissues associated with the links. The reasons the services and features are made available to endpoints are based on the needs and preferences associated with the various domains. The distributed resources are then accessed by the endpoints.

Finally, as illustrated in FIGS. 3 and 4 the systems and subsets are illustrated clearly. As is clearly stated in the MPEP, the specification, figures, claims or any part of the application as a whole can support the addition of an amendment without the addition of new matter. FIG. 3 clearly illustrates services and features in subsets, in domains 310 and 350. Domain 310 shows the clear subset 326.

Applicants have specifically pointed to many passages in the application that support the changes made to paragraph 82. As such, the changes are not new matter. No new matter has been added to the specification or the claims under 35 U.S.C. §132(a). Applicant could point to many other instances of support for this language if the Examiner desires. However, Applicants believe that this is plenty of evidence that the support exists specifically under 35 U.S.C. §132(a), where support can be found for a statement in a Figure or inherently described material. However, in this case, it is clearly stated, directly stated and should be clear to the Examiner. Applicants request that the Examiner remove this rejection.

The Examiner has stated that all other changed to the specification were proper and have been entered.

Claim Rejections – 35 USC § 112

The Examiner stated that claims 87 and 89 through 94 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter, which was not described in the specification in such a way to as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the Examiner states that regarding claim 87 there was no support found in the originally filed application for the limitation "an instance" of "identifying and verifying a subset of services selected from the plurality of the services for the conference session and respective service endpoints associated with each of the subset of services in the communications network." Therefore, it is held that that this limitation constitutes new matter. As set forth above, ***This limitation has been present in the claims since AT LEAST November 12, 2008. The Examiner has CLEARLY not considered the word "subset" new matter until almost two***

years later. Most likely much longer than that since the current claim were drafted using the language "subset."

Applicants disagree and as artfully and fully explained above, there is no mew matter added to this application. Evidence has been provided in abundance. As such, Applicants respectfully request that the Examiner remove this rejection.

The Examiner states that regarding claims 89-94, that these claims are dependent on claim 87 and, thus rejected as containing the same deficiency. Applicants disagree and as artfully and fully explained above, there is no mew matter added to this application. Evidence has been provided in abundance. As such, Applicants respectfully request that the Examiner remove this rejection.

Claim Rejections – 35 USC 103 § 103

The Examiner stated that claims 87-104 are rejected under 35 U.S.C. 102(b) as being obivious in light of Ludwig et al. (U.S. 6,237,025) (hereinafter "Ludwig") over Yoakum et al. (U.S. 7,139,797). Applicants respectfully disagree. Applicants traverse each and every rejection set forth in the current Office Action as set forth and traverse each and every claim rejection against all claims, independent and dependent.

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit, as will be detailed below, that neither Ludwig nor Yoakum do not, expressly or inherently, teach or suggest various limitations recited in the pending claims.

The Examiner states that Ludwig teaches all the limitations of independent claims 87, 95 and 98, except "wherein the resources are an instance of the conference logging service that is located via a presence service, wherein the conference logging service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry." However, as stated above and below, Applicant does not believe that Ludwig teaches all the limitations set forth in the independent claims. Thus, Applicant does not believe that Yoakum is

in view of Ludwig teach or suggest all the claim limitation and thus, Yoakum, in present instance, is not relevant to the obviousness rejection of Ludwig.

The Examiner did not include findings of fact regarding the state of the art and the teachings of Ludwig. The scope and content of the current application must be obtained by a thorough review of the specification and claims to understand what the applicant has invented in light of the prior art (Ludwig). **See MPEP §§ 2141 and 904.** In Applicant's opinion, these findings of fact have not been made.

The Examiner states that Ludwig teaches an authentication service. As stated in the quoted potion of Ludwig "The basic underlying software-controlled operations occurring for a two-party call are diagrammatically illustrated in FIG. 23. After logging to AVNM 63, as indicated by (1) in FIG. 23, a caller initiates a call (e.g., by selecting a user from the graphical rolodex and clicking the call button or by double-clicking the face icon of the callee on the quick-dial panel). The caller's Collaboration Initiator responds by identifying the selected user and requesting that user's address from Directory Service 66, as indicated by (2) in FIG. 23. Directory Service 66 looks up the callee's address in the directory database, as indicated by (3) in FIG. 23, and then returns it to the caller's Collaboration Initiator, as illustrated by (4) in FIG. 23. The caller's Collaboration Initiator sends a request to the AVNM to place a video call to the caller with the specified address, as indicated by (5) in FIG. 23. The AVNM queries the Service Server to find the service instance of type "video call" whose name corresponds to the callee's address. This service record identifies the location of the callee's Collaboration Initiator as well as the network ports that the callee is connected to. ***If no service instance is found for the callee, the AVNM notifies the caller that the callee is not logged in***. If the callee is local, the AVNM sends a call event to the callee's Collaboration Initiator, as indicated by (6) in FIG. 23. If the callee is at a remote site, the AVNM forwards the call request (5) through the WAN gateway 40 for transmission, via WAN 15 (FIG. 1) to the Collaboration Initiator of the callee's CMW at the remote site. ***The callee's Collaboration Initiator can respond to the call event in a variety of ways. In the preferred embodiment, a user-selectable sound is generated to announce the incoming call.*** The Collaboration Initiator can then act in one of two modes. In "Telephone Mode," the Collaboration Initiator displays an invitation message on the CMW screen that

contains ***the name of the caller and buttons to accept or refuse the call. The Collaboration Initiator will then accept or refuse the call, depending on which button is pressed by the callee. In "Intercom Mode," the Collaboration Initiator accepts all incoming calls automatically, unless there is already another call active on the callee's CMW, in which case behavior reverts to Telephone Mode. The callee's Collaboration Initiator then notifies the AVNM as to whether the call will be accepted or refused***. If the call is accepted, (7), the AVNM sets up the necessary communication paths between the caller and the callee required to establish the call. The AVNM then notifies the caller's Collaboration Initiator that the call has been established by sending it an accept event (8). If the caller and callee are at different sites, their AVNMs will coordinate in setting up the communication paths at both sites, as required by the call."

There is nothing in the cited portion of Ludwig regarding authentication. The cited portion of Ludwig merely describes the call connection. There is no authentication of the called party or the calling party into the communication session. This makes sense because Ludwig is a disclosure describing an in-house MLAN server operation between devices. The collaboration initiator is described as follows "***CMW includes a Collaboration Initiator software module 161, (see FIG. 20) which is used to establish person-to-person and multiparty calls***. The ***corresponding collaboration initiator window advantageously provides quick-dial face icons of frequently dialed persons, as illustrated, for example, in FIG. 22, which is an enlarged view of typical face icons along with various initiating buttons*** (described in detail below in connection with FIGS. 35-42). Videoconference calls can be initiated, for example, merely by double-clicking on these icons. When a call is initiated, the ***CMW typically provides a screen display that includes a live video picture of the remote conference participant,*** as illustrated for example in FIG. 8A. In the preferred embodiment, this display also includes control buttons/menu items that can be used to place the remote participant on hold, to resume a call on hold, to add one or more participants to the call, to initiate data sharing and to hang up the call." *Applicant believes that the above assertions* ***make clear that Ludwig does not and has never been prior art to Applicant's invention***. Again, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (In re Kahn, 441 F.

3d 977, 988 (CA Fed. 2006) cited with approval in KSR). *Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.* See MPEP § 2111 - § 2116.01 for case law pertaining to claim interpretation. The Examiner is not looking at the claimed invention as a whole, but rather distilling the invention down to a gist or thrust of the invention and completely disregarding the "as a whole requirement." See MPEP § 2111. As such, Applicant believes the arguments, as set forth above, make it clear that Ludwig DOES NOT apply to Applicant's invention. Rather, the Examiner has distilled the claim down to the "gists" and "thrusts" of the invention, rather than looking at the claimed invention as a whole and, thus has missed the full meaning of the claims at issue. Applicant's claim, based on the present element alone, is patentably distinct from and allowable over Ludwig and, therefore all other references under 37 CFR 1.111(b). As such, under the present analysis, Applicants' invention, as claimed in independent claims 87, 95, and 98, is allowable.

Applicants' invention, now clearly stated in the amended claims, but as clearly stated previously in the specification and unamended claims, required a dedicated media switch for the at least on of the plurality of services is discussed. The reason for this specialized function was so that the "Media switch (service endpoint) can be configured to service participant client endpoints and can also include a feature service that can be configured to provide a local application sharing feature. Feature service can be used for several reasons. ***For example, one reason to include a feature service can be to provide participant client endpoints better application sharing performance than that provided by conference provider application sharing feature.*** For example, network performance of communication link 364 can be better than the performance provided by external communication link. Thus, if participants require ***better application sharing performance, local application sharing feature can be located within domain and accessed via feature service.*** Further, external links can be expensive to use, and it can also be desirable to minimize traffic across external link, which also makes distributing application sharing capability more desirable. In addition to cost, it can also be desirable to limit traffic on external communication link because it is used by other unrelated traffic such as transferring data for email and web pages. ***Thus, it can be desirable to minimize***

network usage by collaborative communication system the use of external link in order to free bandwidth for these other functions. Yet another reason for having a local feature service, as in this embodiment, ***is to enhance security, for example, if the application sharing content between participants is especially sensitive.*** Most application sharing traffic is between clients anyway, making local distribution of file application sharing sensible." As this is all clearly set forth in the claims as written, the Examiner has not viewed the claims as a whole, but rather again distilled them down to a gist or thrust. "In the instant case, we conclude that a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably looked to _____ to solve a problem already solved by Applicant." Ex Parte Rinkevich et al, Appeal 20071317, decided May 29, 2007. Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

Applicant maintains the arguments as set forth in the previous Responses to Office Actions. As set forth above with respect to the claim element regarding the authentication element, there is no such element in Ludwig. Applicant has pointed out other such discrepancies in prior responses. If necessary, Applicant will again meticulously provide the discrepancies for each element once again.

However, purely in the interest of clarifying Applicants' invention and expediting the prosecution of the instant invention, Applicant has amended independent claims 87, 95 and 98 to include substantially the following limitations:

> providing a plurality of services~~,including a presence service, an authentication service, a primary service, a feature service, and conference service,~~ to be used in a multimedia conference session, wherein each of the plurality of services is hosted by and independently executable through at least one service endpoint in a communications network;
>
> enabling a plurality of users to participate in the multimedia conference session, wherein each user participates in the conference session through at least one respective user endpoint in the communications network, wherein each of the at least one respective user endpoints is hosted by and independently executable through at least one service endpoint, wherein the at least one service endpoint is configurable as an authentication service and a presence service such that the at least one service endpoint is able to

authenticate and publish a presence of each user endpoint hosted by and independently executable through the at least one service endpoint;

receiving a request to initiate the multimedia conference session;

in response to the session initiation request, establishing the multimedia conference session via the steps of:

(a) identifying respective user endpoints for each of the plurality of users participating in the session;

(b) identifying and verifying a subset of services selected from the plurality of the services for the conference session and respective service endpoints associated with each of the subset of services in the communications network; and

(c) defining a message routing mesh comprising all of the user endpoints and service endpoints identified in (a) and (b);

wherein resources for establishing the multimedia conference are distributed among the plurality of service endpoints, wherein the resources are a function of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry;

routing messages between any of the user and service endpoints in the message routing mesh during real-time performance of the conference session;

updating the multimedia conference session with a newly selected service from the plurality of the services; and

in response to the newly selected service, identifying a particular service endpoint associated with the newly selected service and including the particular service endpoint into the message routing mesh.

Support for such limitations can be found at least in paragraphs [0052] through [0098] of the instant invention. As such, Ludwig and Yoakum do teach all claim limitations that must be taught or suggested by the prior art. Such must be taught either inherently or expressly. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants believe that claims 87, 95 and 98 as well as the claims that depend from claims 87, 95 and 98, are in condition for allowance and respectfully request they be passed to allowance. In light of the arguments set forth below, Applicant traverses each and every claim, depending from claims 87, 95 and 98.

Ludwig does not teach "wherein the at least one service endpoint is configurable as an authentication service and a presence service such that the at least one service endpoint is able to authenticate and publish a presence of each user endpoint hosted by and independently executable through the at least one service endpoint." In fact, Ludwig teaches away from this aspect of the claimed feature in that each workstation (WS) must be connected to an MLAN. While two CMWs may connect, they must connect though a MLAN. In Applicants' claimed invention, the at least one user endpoint can be in different domains, i.e. different locations in the world and still connect via the service endpoints. In fact, the service endpoints can be a user endpoint and connect to another user endpoint, the configurations are endless. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). As so eloquently stated above, claims 87, 95 and 98 are not obviated either expressly or inherently by Ludwig. Thus, combining Ludwig with another piece of prior art, no matter how close the prior art, will not obviate Applicants' patent. Thus, claims 87, 95 and 98 are not obviated by Ludwig and Yoakum. Kindly remove this rejection. The claims are patentable distinct from and allowable over Ludwig and Yoakum under 37 CFR 1.111(b). Therefore, all claims depending therefrom are allowable as well.

In fact, the only endpoints that are described in Ludwig are the CMWs. As stated repeatedly, both in the Office Action and in the disclosure of Ludwig, the CMWs are the only endpoints referred to. Thus, Applicants' application has a much broader scope than Ludwig. As such, independent claims 87, 95 and 98 are patentable distinct from and allowable over Ludwig and Yoakum under 37 CFR 1.111(b). Therefore, all claims depending therefrom are allowable as well.

All the limitations in the present disclosure are not taught or suggested by the cited art. As such, Applicant believes the currently amended independent claims, as well as the claims that depend from them, are in condition for allowance and respectfully request they be passed to allowance.

Respectfully submitted,

WEST CORPORATION

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By: /Raffi Gostanian/
Raffi Gostanian
Reg. No. 42,595
Tel: (972) 849-1310